

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

August 18, 1999
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Lester Heitke. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Denis Anderson, Ron Christianson, Bruce DeBlieck, Nancy Houlahan, Jim Dokken, and Rick Fagerlie; Present 8, Absent 1 - Council Member Reese was excused from the meeting.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Public Works Director Mel Odens, Police Chief Jim Kulset, and City Clerk Kevin Halliday.

Council Member Dokken requested that the Planning Commission Minutes of August 11, 1999, be removed from the Consent Agenda.

Council Member Kelly offered a motion adopting the Consent Agenda, which included the following: City Council Minutes of August 4, Municipal Utilities Commission Minutes of August 9, Rice Memorial Hospital Minutes of August 11, Pioneerland Library Board Minutes of May 20, and Housing and Redevelopment Authority Minutes of July 13, 1999; and Mayoral appointments: Park and Leisure Services Board - Mary Schnell, Wayne Hulst, David Oehrlein and Betty Hyser. Council Member Christianson seconded the motion, which carried.

The Mayor and Council discussed Item No. 3 of the Planning Commission Minutes concerning Midwest Wireless Communications Conditional Use Permit. Council Member Dokken asked several questions which required further staff research. Council Member Dokken moved to table Item No. 3 with Council Member Fagerlie seconding the motion, which carried. The remaining Planning Commission Minutes of August 11, 1999, were accepted as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Dokken, seconded by Council Member Fagerlie, and carried.

At 7:09 p.m. Mayor Heitke opened a hearing on an Ordinance Authorizing the Sale of Land Owned by the City of Willmar. City Administrator Schmit informed the Mayor and Council that L. Ted and Mary Anderson have proposed the acquisition of City-owned property south of their lot on Country Club Drive. The Andersons have offered the sum of \$1,000 for the .12 acres. The Planning Commission and Community Development Committee have previously recommended that the City sell the land as requested. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 7:10 p.m.

Council Member Kelly offered a motion to adopt, assign a number, and order final publication of the Ordinance Authorizing the Sale of Land Owned by the City of Willmar. Council Member Anderson seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0.

Mayor Heitke recognized Jim Anderson, representing the Willmar Housing and Redevelopment Authority, who was requesting the Council's authorization to apply for Rehabilitation Loan Program funds. Mr. Anderson noted the Program is statewide and is funded through State and Federal home appropriations. The purpose of the Program is to provide financing to low income homeowners to be used primarily to address basic health, energy, safety and accessibility deficiencies of a house.

Following discussion, Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Houlahan, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 1

AUTHORIZING APPLICATION FOR MHFA
REHABILITATION LOAN PROGRAM FUNDS

WHEREAS, the Minnesota Housing Finance Agency, State of Minnesota, has been authorized to undertake a program to provide loans to property owners for the purpose of housing rehabilitation; and

WHEREAS, the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, has developed an application as an Administering Entity for the Minnesota Housing Finance Agency Rehabilitation Programs; and

WHEREAS, the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, has demonstrated the ability to perform the required activities of the Minnesota Housing Finance Agency Rehabilitation Loan Programs;

NOW, THEREFORE, BE IT RESOLVED that the Housing and Redevelopment Authority In and For the City of Willmar, Minnesota, is hereby authorized as an entity to be charged with the administration of funds made available through the Minnesota Housing Finance Agency Rehabilitation Loan Programs, in the City of Willmar.

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Mayor Heitke recognized Willmar Municipal Utilities General Manager Mike Nitchals and Council Member DeBlieck who presented current issues with local public power utilities. Council Member DeBlieck reported on his recent attendance to the American Public Power Association Conference in Salt Lake City.

Mr. DeBlieck focused on retail competition concerns in the electric industry and public right-of-way conflicts. Mr. Nitchals expounded on the electric industry restructuring activities and explained the Bond Fairness and Protection Act. The Act is being considered by the Legislature and passage will enable municipal electric utilities to operate in a more competitive environment without the concern of "private use" restrictions under current tax laws.

Following the presentation, Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 7, Noes 0.

RESOLUTION NO. 2

(For Resolution in its entirety, see City Council Minutes
File dated August 18, 1999, located in the City Clerk's Office)

Mayor Heitke recognized Gary McDowell, Co-Chair of the Aquatic Committee Task Force. Mr. McDowell introduced Ron Ankeny and Elizabeth Thompson of Ankeny Kell Architects and Tom Schaffer of U. S. Aquatics, each presenting facets of the site, design and operational analysis of the Aquatic Center Task Force final proposal. The proposal included designing separate water vessels such as a lap pool, diving well, plunge pool, leisure pool, and spa. The design of a "Kandi Mountain" would house the pool mechanical and provide access to water slides. Various shade structures/trellis were designed between the pools. An additional design of a "crazy river" flowing into a "lazy river" was listed as an alternate. Co-Chair McDowell was recommending to the Council to accept the feasibility study as presented and submit two questions to the voters: 1) the base estimate of the proposal, plus 2) the alternate design of the lazy/crazy river.

Council Member DeBlieck moved to accept the Aquatic Committee Task Force Report and refer the matter to the Finance Committee for consideration. Council

Member Dokken seconded the motion, which carried.

Mayor Heitke called for a recess at 8:55 p.m. and reconvened the meeting at 9:05 p.m.

At this time Council Member Houlahan was excused from the meeting.

The Finance Committee Report for August 9, 1999, was presented to the Mayor and Council by Council Member Kelly.

Item No. 1 The Committee reviewed a request from staff to re-appropriate a portion of the Senior Citizens Budget due to an unexpected need to replace one of the air conditioning units, which failed. Since the Seniors had not yet purchased some \$3,000 of exercise equipment, the Committee was recommending to the Council the passage of a resolution funding the air conditioner replacement with those funds.

Resolution No. 3 was introduced by Council Member Kelly, seconded by Council Member Anderson, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 3

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following 1999 budgetary changes:

Senior Center Budget:

Increase:	(54) Air Conditioning Unit	\$3,000.00
Decrease:	(52) Exercise Equipment	\$3,000.00

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 2 The Committee was informed that when the Civic Center pickup was replaced in 1998, staff had delayed the replacement of a mobile radio due to further study. They were now recommending replacement and, due to the year ending, the amount needed to be re-appropriated from the reserve account. The Committee was recommending to the Council the passage of a resolution appropriating \$1,400 for the radio.

Resolution No. 4 was introduced by Council Member Kelly, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following 1999 budgetary changes:

Civic Center Budget:		
Increase:	(52) Mobile Radio	\$1,400.00
Decrease:	Reserve	\$1,400.00

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee discussed the policy of reassessing improvement costs against property once it becomes tax forfeited. It was recommended by staff that the assessments somehow be reduced until the property becomes attractive enough for sale and development, thus getting it back on the tax rolls sooner. The Committee then directed staff to develop a revised policy and bring a recommendation back for consideration. This matter was for information only.

Item No. 4 The following reports were reviewed and received for information only: July Lodging Tax, July W.R.A.C.-8, Local Option Sales Tax, semi-annual M.U.C. financial and the June Rice Hospital.

Item No. 5 The Committee reviewed and discussed the appendix section of the 1999 Budget. This matter was for information only.

Item No. 6 The following items were placed on future agendas: Senior Nutrition Funding and the Year 2000 Budget.

The Finance Committee Report of August 9, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Kelly, seconded by Council Member Fagerlie, and carried.

The Public Works/Safety Committee Report of August 10, 1999, was presented to the Mayor and Council by Council Member Fagerlie. There were four items for Council consideration.

Item No. 1 Jeff Nagel, representing Main Street Willmar, appeared before the Committee to present designs for the kiosks for the Downtown. This matter was brought back to the Committee following a request for additional information regarding setbacks, height, maintenance and the possible inclusion of a clock on the one adjacent to the Library. Following discussion, the Committee was recommending to the Council to authorize the construction of two kiosks with the details to be worked out with staff. Council Member Fagerlie moved to approve the

recommendation of the Public Works/Safety Committee with Council Member DeBlieck seconding the motion, which carried.

Item No. 2 Dan Sarff, Bolton and Menk, Inc., appeared before the Committee to request an adjustment to the construction engineering services for the South First Street Project. Due to additional work requested of the contractor and a longer construction schedule than estimated, the firm was required to work more hours. Following discussion, the Committee was recommending to the Council to approve the request and pass a resolution extending the not-to-exceed construction administration agreement.

Resolution No. 5 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 5

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator are hereby authorized to enter into a contract between the City of Willmar and Bolton and Menk, Inc. for construction administration services for the South First Street Project (Project 9605). The contract amendment is not to exceed \$6,300.00 with funding to come from the 9605 Project Budget, and the State Turnback Account for this Project.

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 3 The Committee reviewed a tabulation of bids for the 1999 Path Project, which will replace the Swansson Field walk path and provide a new walk path along Civic Center Drive. Following discussion, the Committee was recommending to the Council to pass a resolution awarding the bid to Duininck Bros, Inc. Resolution No. 6 was introduced by Council Member Fagerlie, seconded by Council Member Kelly, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 6

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the bid of Duininck Brothers, Inc., of Prinsburg, Minnesota, for the 1999 Path Project is accepted, and be it further resolved that the Mayor and City Administrator be authorized to sign an agreement with the bidder for the terms and consideration of the contract in the amount of \$83,331.50.

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

Item No. 4 The Committee reviewed a supplemental agreement for additional work required on the South First Street Project (9605). The agreement is a result of modification to the signal loop system and replacement of existing loop detectors on 19th Avenue. The Committee was recommending to the Council approval of Supplemental Agreement No. 4. Resolution No. 7 was introduced by Council Member Fagerlie, seconded by Council Member Dokken, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 7

WHEREAS, a contract has been awarded to Riley Brothers Construction Inc. of Morris, Minnesota, on April 27, 1998, in the amount of \$2,490,428.15 for Project No. 9605 (Reconstruction of First Street from 19th Avenue South to the entrance of Walmart); and Supplemental Agreement Nos. 1-3 added \$12,822.17 for a total of \$2,503,250.32; and

WHEREAS, it is desired to add additional work to the above contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar that:

1. Additional work is herewith authorized to be added to the above contract estimated by the Consulting Engineer to be \$7,126.90 and identified as Supplemental Agreement No. 4.
2. Funding for the additional work is from State Municipal Turnback Funds.

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Public Works/Safety Report of August 10, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member DeBlieck, and carried.

The Mayor and Council considered a request from Mid-Minnesota for a resolution of support for their application for a \$50,000 Planning Grant. These grants are available only to multi-jurisdictional agencies. This grant will benefit the City by creating a GIS database and by providing assistance in the updating of land use/zoning maps and the comprehensive plan. Resolution No. 8 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 6, Noes 0.

RESOLUTION NO. 8

CITY OF WILLMAR
PLANNING GRANT RESOLUTION

WHEREAS, The Minnesota Legislature has allocated funds to the Office of Strategic and Long Range Planning which may be applied for by Regional Development Commissions to help support local planning efforts, and

WHEREAS, The Mid-Minnesota Development Commission is applying for \$50,000 to help subsidize community planning efforts in Kandiyohi, Meeker, McLeod, and Renville Counties, and

WHEREAS, The Mid-Minnesota Development Commission has applied the past two years for funds to help subsidize the costs of Community-Based Planning in Region 6E, and

WHEREAS, The Mid-Minnesota Development Commission has contacted the City of Willmar and discussed the need for creating a Geographic Information System (GIS) database and mini-comprehensive plan for the City, and

WHEREAS, The City of Willmar would benefit from such a database since it would provide a foundation for many planning efforts the City will have in the future including the comprehensive plan update and new zoning/land use maps.

NOW, THEREFORE, BE IT RESOLVED, the City of Willmar supports the Mid-Minnesota Development Commission's application to the Office of Strategic and Long Range Planning for \$50,000. The money will be used effectively to help lower the planning costs for the communities located in Kandiyohi, Meeker, McLeod, and Renville Counties.

Dated this 18th day of August, 1999.

/s/ Lester Heitke
MAYOR

/s/ Kevin Halliday
Attest: CITY CLERK

The Mayor and Council considered an application from All-A-Bord for a wine license and a 3.2 percent malt liquor license. Council Member Kelly moved to approve the liquor licenses contingent upon City Attorney approval of the certificate of insurance. Council Member Anderson seconded the motion, which carried.

Mayor Heitke informed the Council the Willmar Airport will be hosting the second Fly-In on September 5, 1999. Following discussion, Council Member Christianson moved to authorize the Airport to be used for the Fly-In with Council Member DeBlieck seconding the motion, which carried.

Announcements for Council Committee meeting dates were as follows: Finance, August 23; and Labor Relations, August 25, 1999.

There being no further business to come before the Council, the meeting adjourned at 9:35 p.m. upon motion by Council Member Kelly, seconded by Council Member Fagerlie, and carried.

Attest:

MAYOR

SECRETARY TO THE COUNCIL